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U.S. DISTRICT COURT

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U.S. DISTRICT COURT

Name & Number: Matt Killough #3222
 Attorney Pro Se
 Utah State Prison
 PO Box 250
 Draper, Utah 84020

IN THE UNITED STATES DISTRICT COURT, DISTRICT OF UTAH
 CENTRAL DIVISION

Matt Killough,
 Plaintiff,

vs.

BRUCE O. BURNHAM, MD ET AL;
 JOHN DOES 1-10, employees at
 Utah State Prison, individually,
 Defendants.

Case No. _____

CIVIL RIGHTS COMPLAINT AND
 DEMAND FOR JURY TRIAL

Pursuant to 42 U.S.C. §1983

JURISDICTION

1. Plaintiff Matt Killough is a citizen of Utah, who presently resides at the Utah State Prison, P.O. Box 250, Draper, Utah 84020.
2. Defendant BRUCE O. BURNHAM is a citizen of Utah, and is employed as the Medical Director at the Utah State Prison for the Utah Department of Corrections. At the time the claim(s) alleged in this complaint arose, this defendant was acting under color of state law in that he/she is the Medical Director at the Utah State Prison for the Utah Department of Corrections and is directly responsible for the wrongful actions alleged herein.

Case: 2:18-cv-00263
 Assigned To : Benson, Dee
 Assign. Date : 3/27/2018
 Description: Killough v. Burnham et al

3. Defendant David Lambert Egli MD is a citizen of Utah, and is employed as the Mental health psychiatrist at Olympus at the Utah State Prison for the Utah mental health Department of Corrections. At the time the claim(s) alleged in this complaint arose, this defendant was acting under color of state law in that he/she is the Mental health psychiatrist at Olympus mental health for the Utah Department of Corrections and is directly responsible for the wrongful actions alleged herein.

4. Other Defendants by name and position, if known: David Lambert P Egli MD, Chris Abbott PA, Kennon Tubbs MD, Mike Hoglund LCSW, John Gines, Roy Peckle LCSW, Curtis Gardner Hearing officer, Debra Smith RA, Suzette McPherson LCSW, Jason Jackman RN, Bruce O'Burnham MD, Tony Washington

5. Defendant John Does 1-10, whose true names are unknown and when true names are ascertained the pleadings will be amended accordingly, are citizens of Utah, and are employed at the Utah State Prison. At the time the claim(s) alleged in this complaint arose, these defendants were acting under color of state law in that they are employees for the Utah Department of Corrections and are directly responsible for wrongful actions alleged herein.

6. Jurisdiction is invoked pursuant to 28 U.S.C. §1343 (3); and 42 U.S.C. §1983.

B. NATURE OF CASE (1).

Petitioner claims that the respondents are failing to adequately treat the petitioner's serious mental health/medical conditions. Petitioner claims to have submitted HCR's forms to be seen by mental health providers and medical providers at the Draper USP/CUCF who work for the Utah Department of Corrections and they refuse to adequately treat his mental health and medical conditions. Petitioner is being harassed and retaliated against

By mental health staff as well as medical staff, as well as shown violence toward me more than once by medical providers. Dr. Burnham in Gunnison has also deliberately put false information in my medical records, he has refused to tell me results of labs as well as recommendations and outcomes of the E.R. room at G.V. Hospital in Gunnison, Utah, this has happened more than once, one time he asked me "quote" what did they tell you at the hospital? I replied the Dr. asked me if I had been taking any aspirin and when I told he no she said to me, because there was a high level of aspirin that showed up in your blood work. As soon as I said that Dr. Burnham slammed his left hand down on top of some papers very hard right next to his computer and replied to me in a very angry threatening voice, I know what they said, it's right here in these papers at which time he scared me and I replied I'm just trying to answer your question Sir, I'm not trying to argue with you, it was like he didn't even want me to know what was said that's all I can think. Petitioner does not know if he is receiving adequate treatment or not! I know the prison does not have to go by the recommendation of outside specialists or even from the E.R. room, because I've been told this for yrs and I'm still being told this by Dr. Burnham he has not to this day ever told me any recommendations from when I was sent to the E.R. in Gunnison, UT. I had to send for these records and I found out one time I went to the E.R. they had stated that if I have chest pain I should be put on 24hr. heart monitor by Dr's not associated with the department of corrections or even from prison clinical staff. Plaintiff claims that information from the plaintiff's medical records have been violated, his rights to HIPAA laws 1996 of health information privacy to where his medical and mental health records by Dr. Egli who is a psychiatrist at the department of corrections who has been known on numerous occasions to violate by allowing prison officers to read inmates confidential records including my own right in front of me. Some of these inmates are still in prison some are not but are willing to go to court if needed this is not a isolated incident. Dr. Tubbs also done the same thing with the plaintiff's medical & mental health records at the Droper Facility with non medical staff a particular officer by the name of Bowman questioned Dr. Tubbs right in front of me about medical things that had nothing to do with safety or security of the institution the Dr. even turned his computer at first toward me and told me to read what was on it when I told Dr. Tubbs that I did not have my glasses that was when he said shit to me and turned the computer back to himself and began to read them out loud there was no reason and I asked him not to please, there was no reason for the officers to be in there in the first place as I was already secured to the desk I was sitting in. These officers always harassed me, after this meeting I was told by officers after I said I was going to file a grievance that they were going to make my life hell I was scared and still am. Then officers Bowman stated you've been here long enough Killough you know how it works, Mike Hoglund who I told about all this? I had filed a grievance on is aware of these types of actions going on then for years? going on in Olympus mental health as well as population now to this day! so does Ray Peckle a LCSW? Shumway LCSW I've also told lots of other therapist about this kind of stuff Blawie MD as well, I've never been told diabetes was or ever could be a side effect of seroquel and when I first asked Dr. Burnham if Seroquel can cause diabetes he laughed at me and said no this was when I seen him for the very first time in my life. I have never especially myself been told side effects of medications not even now if I had been told I would of never had diabetes, I could of died, I beat it yrs later when I stopped taking the Seroquel I never needed this medication. Seroquel I was told by Curtis Gardner in 2014 that he checked the website of the FDA and that diabetes was not one of the side effects of Seroquel. I trusted these people with my life to do what's right because they are put in this high legal position to uphold the law I trust these people not to lie to me. God helps us out here, at the hearing office if we cannot count on our keepers to keep us safe. In 2015 I received 716 pages from

B. CONTINUED Page 3

The FDA stating that diabetes, high cholesterol and low white blood count are all side effects of Seroquel, I also have medical records that will show I had all these problems I was even told by Dr. Egli that they don't tell all of the inmates of the side effects that's a chance they take they don't explain side effects, I was told that by Dr. Tubbs also I still to this day have serious side effects and they are refusing to treat the side effects they caused by giving me seroquel I was told by Dr. Blavis when I told him I was on 900mg of seroquel, wellbutrin and effexir when I was at max dose quote "Dr. Blavis told me word for word that he would of never ever put me on that much seroquel it was too much". side effects I still have are ties with my mouth and facial expressions won't go away my legs ache all the time and won't stop moving and I can't stand still and my feet feel like I'm walking on hot coals and needles all the time the prison refuses to treat these problems, I asked Dr. Burnham quote "could you please do some tests and tell me how bad my body has been messed up inside from having diabetes for so long, I have no pre-existing problems in my whole life or family history of diabetes or illness UNTIL I WAS PUT ON Seroquel AND Dr. Blavis To this day will order whatever medications I've ask for to get high!!"

C. Cause of Action

(b.) Plaintiff alleges that the following Constitutional rights, privileges or immunities have been violated and that the following facts form the basis for the allegations:

(1.) 1. Count 1: Plaintiff's Sixth Amendment and Liberty interests to equal protection are denied by the defendants based upon the following: Plaintiff has been denied adequate medical & mental health help and has brought it to the attention of Dr. Egli, Mike Hoglund, Dr. K. Tubbs, Dr. Bruce Burnham MD, Dr. Blavis, Tony Washington

2. Count II: Plaintiffs Eighth Amendment and Liberty Interests to be free from cruel and unusual punishment have been violated by Defendants actions in that -

Defendants Tony Washington, Dr. Burnham, Dr. Egli, Dr. Blavis Dr. Tubbs and Mike Haglund wouldn't let me go to Olympus mental health even after a psychiatrist ordered me to be transferred to Olympus Mike Haglund refused to send me in 2010 and even told the doctor the reason Mike Haglund was not going to let me go back over to Olympus mental health is because it was too hard to get rid of me the last time I was there and Dr. Oraper MD let me hear Mr. Haglund LCSW say that for myself and after Dr. Oraper got off of the phone he told me quote "you in need of mental health therapy for being sexually molested by a mental health therapist years ago. You mentally ill, I need intensive therapy and to be stabilized on medication and the Dr. told me quote "it shouldn't have anything to do with you being too hard to get rid of the last time you was there in mental health because you needed to be there just like you do know to this day I am receiving a lot of retaliation threats and harassment I did file a 1983 on being sexually molested by that therapist in 1989 I filed it in 1981 and in 1983 this case #2:91-CV-00726 and for being threatened and harassed and put on death row for a year and never did anything wrong and was told by investigators not to file anything in court or even a grievance and they would let me out in a year I filed a 1983 which never made it to the court I've filed grievances which have not come back or made it to the courts all of this can be proven and there are witnesses I was in Utahs

Other rights being violated (include amendments as appropriate)

D. INJURY

Describe how you were injured as a result of the claims herein:

Dr. Burnham has shown anger and violence toward me and it's in my documents
 Dr. Burnham himself has caused me severe pain. Suffering with regard to my lower back I have fallen on numerous occasions and still have fresh scars on both legs I have reported it to Dr. Burnham and I was never examined to this day I hurt so bad that I can't even sleep at night. He or is staff in Gunnison have helped me with this at all I have asked if I could please get an up to date MRI done and was told that out no also turned in med. slip of re-med slip on this problem but no help I have an MRI done in 2007 that clearly shows my back is really bad and they keep putting in my medical file nothing more to be done. I had a neuro surgeon tell me on telemed that I should get pain management and regular physical therapy I ask him if I could get physical therapy for my back and he told me no the physical therapist at the prison does not have the appropriate equipment to facilitate the proper care. I've been to him before and all he does is put a heating pad on my back and a TENS unit that shocks your muscles which doesn't work at all and this is all they have. I've seen Dr. Esli on numerous occasions let officers read my mental health records. Mike Hjeltnud was mental health program director for a few yrs and since I filed a grievance on him he has done nothing but refuse me adequate mental health care. The head psychiatrist at the prison in Draper Dr. Blavis for the past five yrs at least will ask me and others what we want as far as medication and he orders whatever we ask for to get high on and he knows this because he's told him. The prison refuses to this day to address and provide me with help with the side effects that diabetes has caused me from taking Serenel for so many yrs Dr. Burnham Flatout refuses to help me with the neuropathy in my feet they hurt 24hrs a day from this I have all the records that will prove all of this I can also acquire statements from other inmates to the facts stated herein with regard to Dr. Blavis.

13. Plaintiff has not filed any other law suits in state or federal court dealing with the

~~facts~~ facts involved in this action. But did file a 1983 law suit in this court in 1991 for forceable sexual assault by a mental health therapist, cruel and unusual punishment & threats from the criminal investigators while at the Utah State Prison, was stipulated out of court Settlement of \$18,000.00.

14. Plaintiff has previously sought informal or formal relief from the appropriate

administrative officials regarding the acts complained of herein to no avail.

F. REQUEST FOR RELIEF

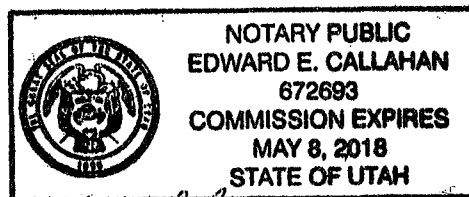
WHEREFORE, Plaintiff prays for the following relief:

- (a) Trial by jury.
- (b) That counsel be appointed to represent the Plaintiff in this action as he can't spell or read enough to give him a fair chance for justice please.
- (c) Punitive damages in the amount of _____?
- (d) Compensatory damages in the amount of _____?

- e) Grant attorney fees and court costs for this action.
- f) Such other and further relief the court deems just and proper.

DATED this 1 day of FEB, 2018

Matt Killough
Plaintiff, Attorney pro se



[Signature]